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FOURTH CIRCUIT

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:08-CR-00055-RLV-DCK
Plaintiff,)	
vs.)	
KATHY RAY WAHLER,)	NOTICE OF INTERLOCUTORY
EDWARD WILLIAM WAHLER,)	APPEAL DIRECT TO THE 4 TH CIRCUIT
LEWIS VINCENT HUGHES,)	COURT OF APPEALS PURSUANT TO
RICHARD WALSER TURNER,)	28 USC §1292(a)(1) and (b)
Defendants.)	
)	MOTION TO STAY PROSECUTION
)	PURSUANT TO 28 USC §1292(b)
)	
)	
)	
)	

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Defendants, Edward William Wahler and Kathy Ray Wahler (collectively defendants), appearing specially and not generally and by force herein state and demand the following;

On November 3rd, 2009 Defendants entered and read a motion to dismiss the criminal complaint against these defendants for lack of jurisdiction for the following reasons. See Exhibit A attached hereto.

- (a) The District Court lacked jurisdiction pursuant to the congressional record clearly showing that Public Law 80-772 purporting

to create 18 USC §3231 the criminal jurisdictional statute has never been properly and constitutionally enacted.

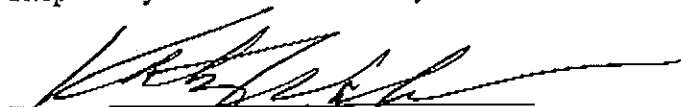

(b) That the District Court lack jurisdiction over the Defendants because the statute of limitations to bring criminal complaints of the laws broken within the indictment against these defendants had passed.

On or about November 9th, 2009 the Defendants herein demanded that the District Court Judge certify the issues in writing and set forth within that order that the District Judge is of the opinion that such order involves a controlling question of Constitutional law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the criminal prosecutions herein. See Exhibit B attached hereto.

On or about November 9th, 2009 the Defendants also gave notice and demand pursuant to his and her due process rights to receive finding of facts and conclusion of law as determined by the Judge in writing as to why the Judge certifies or denies such order sought. See Exhibit B attached hereto.

Defendants herein also demands that the criminal proceedings be stayed because the issues sought after in this Notice of Appeal if found to be true would dispense with all litigation in the criminal proceedings pending the outcome of this appeal.

Respectfully submitted this 16th day of November in the year of our Lord 2009,


Kathy Ray Wahler, without prejudice
Edward William Wahler, without prejudice

PROOF OF SERVICE

Under penalties as provided by law pursuant to the Code of Civil and Criminal Procedure, the undersigned certifies that he/she served copies of these motions and accompanying pleadings on each of the person(s) listed at their respective addresses by mailing the same at or before 5:00 pm on November 16, 2009 A.D. and/or personal service.

To:

District Attorney

I declare under penalty of perjury under the laws of the United States of America (1789) that the foregoing is true and correct. Executed on November 9, 2009 A.D.

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11/18/09 Joseph-Melvin Jr; Edwards
Kathy Ray Wahler, without prejudice
Joseph-Melvin Jr; Edwards

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